

AMENDED IN ASSEMBLY MARCH 13, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1917

**Introduced by Assembly Member Matthews
(Principal coauthor: Assembly Member Havice)
(Coauthor: Assembly Member Florez)**

February 8, 2002

An act to add Section 12027.2 to the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1917, as amended, Matthews. Peace officers: off-duty officers: firearms.

Existing law makes it an offense to carry a concealed firearm, as specified. Existing law also exempts from the scope of this offense, among others, active duty peace officers, as specified.

This bill would, in addition, provide that no *privately owned* venue open to the public may restrict or prohibit a local, state, or federally authorized off-duty peace officer or retired peace officer from carrying ~~a concealed weapon or weapons~~ *handguns or loaded firearms* in that venue. This bill would also require an off-duty officer or retired peace officer to identify himself or herself to the owner or operator or the public venue, as a peace officer or retired peace officer, as specified. This bill would authorize an off-duty peace officer to carry ~~a firearm~~ *firearms* on certain public transportation under specified circumstances.

This bill would also provide that it does not abrogate or supersede law enforcement agency policies regarding the carrying of firearms by

off-duty peace officers, and that law enforcement agency regulations in that regard may be more restrictive than the provisions of the bill.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12027.2 is added to the Penal Code, to
2 read:

3 12027.2. (a) The Legislature finds and declares all of the
4 following:

5 (1) Terrorist attacks on September 11, 2001, and thereafter
6 have caused national, state, and local leaders to find new ways to
7 enhance homeland security.

8 (2) Many public security measures now being considered are
9 extremely expensive or may significantly impair public
10 movement and commerce.

11 (3) Terrorists often seek the most unprotected and vulnerable
12 elements of our society, making the task of preventing or
13 apprehending terrorists a difficult one.

14 (4) On any given day, there are thousands of off-duty police
15 officers, deputy sheriffs, and highway patrol officers who have
16 extensive training and experience in observing and taking
17 appropriate action during public crises and emergencies.

18 (5) Off-duty law enforcement professionals can supplement
19 other public security measures, deter acts of terrorism, enhance the
20 public's sense of security, and provide an additional line of defense
21 to protect our citizens from domestic terrorism.

22 (6) This act shall be ~~known~~ known and may be cited as the
23 California Peace Officers' Homeland Security Act of 2002.

24 (b) No *privately owned* venue open to the public may restrict
25 or prohibit a local, state, or federally authorized off-duty peace
26 officer or retired peace officer from carrying ~~a concealed weapon~~
27 ~~or weapons~~ *concealed handguns or loaded firearms* in that venue.
28 An off-duty peace officer or retired peace officer shall, at the
29 request of the owner or operator of the public venue, or upon the
30 request of a duly authorized agent or security employee, identify
31 himself or herself as a peace officer or retired peace officer and,

1 while armed, carry proper identification identifying the officer as
2 a peace officer or retired peace officer.

3 (c) Upon the express authorization of the federal agency having
4 jurisdiction, and subject to the approval by the officer's employing
5 department or agency, an *on-duty or off-duty* peace officer may
6 carry a concealed ~~weapon~~ *handguns or loaded firearms* upon any
7 aircraft, train, bus, or other mode of public transportation that is
8 operating solely within this state, and may carry a concealed
9 weapon across interstate lines provided that the officer has been
10 specifically authorized and approved to do so.

11 (d) *Nothing in this section shall be construed to require any*
12 *employing law enforcement agency to permit an off-duty peace*
13 *officer to carry handguns or loaded firearms while in or on a*
14 *privately owned venue open to the public. Nothing in this section*
15 *shall be construed to abrogate or supersede employing law*
16 *enforcement agency policies, regulations, orders, or guidelines*
17 *regulating the carrying of firearms by off-duty peace officers and*
18 *law enforcement agencies employing peace officers may continue*
19 *or adopt regulations that are more restrictive than the provisions*
20 *of this section.*

21 SEC. 2. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety
23 within the meaning of Article IV of the Constitution and shall go
24 into immediate effect. The facts constituting the necessity are:

25 In order to increase public safety by permitting off-duty peace
26 officers to carry firearms in *privately owned* public venues, it is
27 necessary that this act take effect immediately as an urgency
28 statute.